

DEGRAFF·FOY

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REPLY TO:
SARATOGA SPRINGS OFFICE

October 24, 2006

RECEIVED
OCT 25 2006

Hon. David R. Homer
United States Magistrate Judge
Northern District New York
James T. Foley Courthouse
445 Broadway
Albany, New York 12207-2974

DAVID R. HOMER
UNITED STATES MAGISTRATE JUDGE
ALBANY, NEW YORK

Re: Alcombright v. Trump Taj Mahal Associates, et al. 1:04-cv-850

Dear Judge Homer:

On July 20, 2006, Your Honor signed a "So Ordered" letter directing that Carol Alcombright be substituted in place of her deceased husband Ralph Alcombright as part of the settlement in the above referenced matter. Defendants' counsel have subsequently obtained the appropriate settlement checks from their clients and this case is ready to be formally settled. In order to facilitate this settlement, the parties request three additional decrees by the Court.

First, it is requested that Carol Alcombright be substituted in place of the *Estate of Ralph Alcombright*. Second, in order to satisfactorily complete the closing papers in this case, the defendants request that the caption of the case be changed to read as follows: CAROL ALCOMBRIGHT, Individually, and CAROL ALCOMBRIGHT, as Executrix of the Estate of RALPH ALCOMBRIGHT.

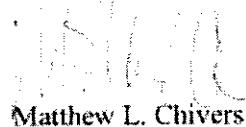
Ms. Alcombright has already signed General Releases individually and as Executrix on behalf of the Estate of Ralph Alcombright. Those releases appear on documents reflecting the original case caption and it is requested that the Court So Order that those releases be incorporated into the new caption.

For purposes of efficiency and in the hope that this meets with the Court's approval, I am submitting a fully executed Order of Voluntary Discontinuance reflecting the new caption.

Thank you for the Court's efforts in this process.

Very truly yours,

DeGRAFF, FOY, KUNZ & DEVINE, LLP



Matthew L. Chivers

MLC

Enclosure

Cc: David H. Arntsen, Esq.
Mark R. Sonders, Esq.
Carol Alcombright (via First Class Mail)

SO ORDERED

David R. Homer
Hon. David R. Homer
U.S. Magistrate 10/26/06